

Proposed Introduction of Internationalized Domain Names in the Canadian .ca Registry

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On September 20, 2011, the Canadian Internet Registry Authority (CIRA) launched a public consultation seeking views on a proposal to permit the registration of French-character domain names in the Canadian domain name registry. This consultation period will end on December 13, 2011, after which CIRA is expected to begin developing policies for the roll out of these new domain names. While the introduction of French-character domain names is likely to be influential in Francophone communities, it raises certain cybersquatting/typosquatting concerns.

BACKGROUND

Currently, for a domain name to be registered on the .ca registry, it may only be formed by characters consisting of non-accented Latin-based letters from the a-z alphabet, 0-9 numbers, and hyphens.

CIRA proposes to expand the registrability of domain names on the .ca registry to include Internationalized Domain Names (IDNs). IDNs are domain names that contain at least one character in a language-specific script or alphabet. In particular, CIRA proposes to permit registration of the following characters: à, â, é, ê, è, î, î, ô, ù, û, ü, and ç.

CIRA's objectives for the launch of IDNs include providing the opportunity to registrants to register domain names correctly in both of Canada's official languages and continuing to develop the .ca domain space as a key public resource for the socio-economic development of all Canadians.

PROPOSED PHASES OF LAUNCH

To protect the rights of existing .ca registrants, CIRA is contemplating a two-step launch of IDN integration: the Sunrise period and the Landrush phase.

The Sunrise period is a proposed 12-week period that would provide only existing .ca registrants the opportunity to register available IDN variants of their current ASCII domain names. For example, the existing registrant of *francais.ca* would have the option of registering *français.ca*.

This period would then immediately be followed by the Landrush phase, a 12-week phase that would allow interested parties to submit an application for an IDN that was not previously registered or applied for during the Sunrise period. In the event that more than one applicant submits an application for the same IDN during this phase, the domain name would be allocated on a random basis. Following the Landrush phase, CIRA would make IDN domain names available to the general public on a first come first serve basis.

POTENTIAL ISSUES

The ability to register domain names in both of Canada's official languages can be beneficial, particularly to French-speaking, bilingual, and national organizations targeting a

French-speaking public. Nonetheless, the new IDNs may cause issues in protection of one's brand due to newly available typosquatting¹ "opportunities." For example, while it may be likely that the existing registrant of *francais.ca* would wish to register *français.ca*, it would be less practical for such a registrant to seek to register *français.ca* or *français.ca*, since "français" and "français" are not real words in the French language. However, to avoid typosquatters, a registrant may feel obliged to record every variant of its domain.

Typosquatting is not likely to be of great concern for manually entered domain names, in this day and age, but is more likely to be of concern due to search engine results that return the typosquatted result. Prospective customers of the original domain name may therefore be duped into interacting with a domain name composed of a slight variant.

CONSULTATION

Due to issues such as those considered above, CIRA is running a public consultation between the period of September 20, 2011 and December 13, 2011 regarding the introduction of IDNs. This consultation period allows stakeholders, including registrants, registrars, CIRA members, government bodies and officials, and the general Canadian public, to voice their concerns and opinions on the proposed introduction of IDNs in the .ca registry. While stakeholders are invited to express their opinion on any aspect of the proposed launch of IDNs, CIRA has asked stakeholders to consider, in particular, whether the proposed Sunrise period would unfairly favour existing registrants over trademark owners, the appropriateness of CIRA's objectives, and the launch of IDNs in light of CIRA's mandate and existing policies, rules and procedures.

CIRA has announced that it will post the feedback it receives, as well as an analysis of the results of this consultation, in January 2012. While it may pursue additional consultations in 2012, CIRA is expected to soon begin developing new policies and the necessary technology for the effective launch of IDNs in the .ca registry.

¹ Typosquatting is the practice of registering a domain name that is a common misspelling of a popular domain name e.g., *goggle.com*. *Don't go to goggle.com – you have been warned.*

The Intellectual Property Group at Aird & Berlis LLP has wide-ranging experience in domain name application and registration processes.

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